

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 4, 10, 11, 23, 51, 53, 55, and 57 are pending in this case. Claims 1, 23, and 51 are amended by the present amendment with support from the plain meaning of a web page menu item as a selectable operation item, as known to one of ordinary skill in the art, and in the originally filed disclosure at least at Claims 11 and 57 and at paragraphs [0016], [0019], [0087], [0088] of the published Specification. Thus, no new matter is added.

Claims 1, 4, 10, 11, 23, 51, 53, 55, and 57 were rejected in the outstanding Office Action under 35 U.S.C. § 102(b) as anticipated by Bayeh, et al. (U.S. Patent No. 6,012,098, herein "Bayeh").¹

Amended Claim 1, directed to a Web page creation apparatus, recites "an all-menu-item information storage unit configured to **manage all-menu-item information which defines all menu items available for display in the Web page, a menu item identifying an operation that is performed as a result of selecting the menu item.**"

The outstanding Office Action asserts Bayeh as teaching every element of Claim 1.

However, Bayeh does not teach or suggest an apparatus creating a web page with menu items at all.

Bayeh is directed to isolating data retrieval and retrieved data rendering operations. As shown at Fig. 5 and detailed in the corresponding discussion at columns 10-12 of Bayeh, a user creates a query for data from the internet, a data servlet retrieves the requested data and formats the retrieved data as XML. A rendering servlet then creates HTML data to be displayed to the user using XSL style information.

¹ Although the outstanding Office Action does not list the basis for the rejection of the pending claims, Examiner Ludwig indicated, in a telephone conversation on July 27, 2009, that the claims are rejected under 35 U.S.C. § 102.

Bayeh does not discuss the retrieval or rendering of menu items at all, and the data retrieved from the internet in Bayeh is certainly not **“identifying an operation that is performed as a result of selecting”** that data.

As in the previous response, Applicant respectfully notes that, as set out in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631. Further, “[t]he **identical invention must be shown in as complete detail** as is contained in the...claim.” Emphasis added. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236.

Because Bayeh does not teach or suggest at least the above-discussed features of amended Claim 1, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Claims 4, 10, 11, and 23 depend from Claim 1 and, therefore, patentably define over Bayeh for at least the same reasons as Claim 1. Further, Claims 4, 10, 11, and 23 define additional features that are also deficient in Bayeh.

For example, Claim 11 recites **“usable function identification information**, which is received from the external device in response to the inquiry of the inquiry unit and **indicates the usable functions of the external device**, so that **only the menu items corresponding to the usable functions of the external device are displayed.**”

The outstanding Office Action asserts, at page 4, that “Mime types allow multiple types of data to be intermixed in data streams. A mime type is used to identify what type of data (usable functions) are contained in the data stream.” It is unclear how or why the outstanding Office Action suggests that the identification of data type, which is used in Bayeh to send a data stream of intermixed data from one servlet to another, **“indicates the usable functions of the external device,”** but the identification of a **data type** in a data

stream certainly **cannot indicate usable functions of an external device**, even based solely on the plain meaning of the words, and most certainly does not teach or suggest “menu items corresponding to the usable functions of the external device,” as recited by Claim 11.

Thus, Applicant respectfully requests that the rejection of Claims 4, 10, 11, and 23 under 35 U.S.C. § 102(b) be withdrawn.

Claim 51, though differing in scope and statutory class from Claim 1, patentably defines over Bayeh for similar reasons as Claim 1. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) of Claim 51, and Claims 53 and 55, which depend therefrom, be withdrawn.

Claim 57 recites, inter alia, “a Web page creation unit configured to **create a Web page having menu items corresponding to functions of the external device, the external device including a multi-function peripheral system.**”

At page 4, the outstanding Office Action asserts:

In reference to claim 57, the claim recites the system for performing similar menu item processing steps as disclosed within independent claim 1. Therefore, the claims are rejected under similar rationale.


However, clearly Claim 57 cannot be rejected based on an assertion that the data retrieved and displayed in Bayeh teaches or suggests “**menu items corresponding to functions of the external device, the external device including a multi-function peripheral system,**” as recited by Claim 57. Instead, the data retrieved and displayed in Bayeh corresponds to a data search criteria established by the user.

Because Bayeh fails to teach or suggest the information processing device as defined by Claim 57, Applicant respectfully requests that the rejection of Claim 57 under 35 U.S.C. § 102(b) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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